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Supreme Court, U.S.
FILED

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NO._____

In The
Supreme Court of the United States

Ghassan J. Maarawi
Petitioner
v.
State of Vermont
Respondent

On Petition for Writ of Certiorari
To The
Vermont Superior Court of Orleans

PETITION FOR A WRIT OF CERTIORARI

Pro Se Plaintiff Pititioner
Ghassan J. Maarawi
1286 Bushey Hill Road
Newport, Vermont 05855
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29 pp

QUESTIONS PRESENTED

The first issue presented here is whether the denial of the statement of explanation as a short plain statement is in accordance with Pro se Plaintiff Litigant rules as set forth within which prohibited dismissal when a set of facts can be proven. Those rules as set forth which provide obligation and responsibility to the Vermont Court to construe Pro se complaints more liberally.

The second issue presented here is whether the denial of the statement of explanation allowed for the law to ignore misfeasance and nonfeasance on the part of State of Vermont agents and their associates.

The third issue presented here is whether the State of Vermont deprived Petitioner of His constitutional rights provided by the fifth and fourteenth amendments to the United States Constitution and the Civil Rights Act of 1964.

The fourth issue presented here is whether the Vermont Courts deprived Petitioner of His fifth and fourteenth amendment rights and His civil rights by and through denying Petitioner a forum for His claim, a deprivation without due process of the laws a deprivation of equal protection of the law added with total disregard for fair play.

The fifth issue presented here is whether the origin of the opinion and judgement entered on February 11, 2000 a Sunday wherewhich the Court and the courthouse were closed constitutes review in this case.

The sixth issue presented here is whether the Vermont State Courts have the willfullness in this particular case to adjudicate justice due to the potential rippling consequences.

LIST OF PARTIES

The parties to this proceeding are petitioner Ghassan J. Maarawi and respondent State of Vermont.

TABLE OF CONTENT

TABLE OF AUTHORITIES iv

OPINION BELOW 1

STATEMENT OF JURISDICTION 1

STATUES AND CONSTITUTIONAL PROVISIONS INVOLVED 2

STATEMENT OF THE CASE 3

REASON FOR GRANTING WRIT 6

LEGAL DISCUSSION 8

CONCLUSION 11

TABLE OF AUTHORITY

United States Civil Rights Commission Investigation and Report on Vermont Public Schools (1997-1998) 8

United States Justice Department Civil Rights Division / Criminal Section (DJ 144-78-0) (1997) 8

United States Department of Education (RE: complaint# 01-00-1120 May 1, 2000) 8

VERMONT CASES:

Cheryl Maarawi vs Raymond Parenteau & Linda Parenteau (docket # 123-5-00 Oscv May 24, 2000) 8

State of Vermont vs Maarawi, Ghassan (docket # 606-9-97 Oscv Sept. 9, 1997) 8

State of Vermont vs Maarawi, Ghassan (docket # 931-12-97 Oscv Dec. 30, 1997) 8

Ghassan J. Maarawi vs "We the Residents of Bushey Hill Road Derby, Vermont" Linda Parenteau, Judy L. Costin, William Costin, Reed Lagasse, Kord Barry, Mary E. Labada, Raymond Parenteau, Gerard Dagresse Jr., Betty Keane, Florian Poulin, Nancy Rebeino, Robert Johnson, Yvette Grenier, George Grenier, Eric Grenier,

TABLE OF AUTHORITIES - Continued

Susan Wright, Roy Wright, Linda Bigham, Kyle Barry, Rick Mislick, Francine L. Heywood, Roland Heywood, Deborah J. Tuller, Mary P. Clark, Allen S. Clark, Angel M. Wright, Roger R. Sheltrs, Stanley Willard, Ronald Wright, Gilles Grenier and David Tuller (docket # 206-8-00 Oscv August 7, 2000)
*** Also listed through Court and record INCORRECT
See: (docket # 208-8-00 Oscv) 9

State Farm Fire & Casualty Co vs George Grenier, Yvette Grenier & Ghassan Maarawi (docket # 345-12-00 Oscv December 2000) 9

State Farm Fire & Casualty Co. vs Raymond Parenteau, Linda Parenteau & Ghassan Maarawi (docket # 344-12-00 Oscv December 2000) 9

Ghassan J. Maarawi vs Lyndonville Savings Bank & Trust Co. (docket # 165-6-00 Oscv June 29, 2000) 9

FEDERAL CASES:

United States of America vs Ghassan Maarawi & Cheryl Maarawi (ci 1:00 CV 434 January 30, 2001) 8,9

Ghassan J Maarawi vs United States Congress (Vermont District docket # 2:00-CV-319 September 11, 2000) 8

TABLE OF AUTHORITIES - Continued

UNITED STATES CONSTITUTION:

Second Amendment 2, 4, 5, 9

Fourth Amendment 2, 4, 9

Fifth Amendment 2, 3, 8, 9

Fourteenth Amendment 2, 3, 4, 5, 8, 9

Civil Rights Act of 1964 . . . . . .2, 3, 8

STATUES:

Pro se Plaintiff Litigant Rules 2, 9

EUGENICS:

Vermont Eugenic Files 8, 11

PETITION FOR WRIT OF CERTIORARI

Petitioner Ghassan J. Maarawi respectfully request a writ of certiorari issue to review the judgement and opinion of the Vermont Superior Court Orleans District, entered in the above proceeding on Sunday February 11, 2000

OPINION BELOW

The opinion of the Vermont Superior Court Orleans County is reprinted in the appendix to this petition at page 2.

The opinion denying the protective order appears at page 4.

The opinion denying appeal appears at page 5.

The order denying reconsideration appears at page 10.

STATEMENT OF JURISDICTION

The judgement of Vermont Superior Court was rendered Sunday, February 11, 2000. A petition for appeal was timely filed, and denied, a petition for reconsideration was timely filed and denied. Jurisdiction of this Court is now invoked.

STATUES AND CONSTITUTIONAL PROVISIONS INVOLVED

1. The second amendment to the United States Constitution provides in relevant part: " ... the people to keep and bear Arms, ..."

2. The fourth amendment to the United States Constitution provides in relevant part "guaranteeing the right of persons to be secure in their homes and property from unreasonable searches and seizures ..."

3. The fifth amendment to the United States Constitution provides, in relevant part: " no person shall ... be deprived of life, liberty, or property, without due process of law ... "

4. The fourteenth amendment to the United States Constitution provides, in relevant part: " no State shall ... deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws. "

5. The Civil Rights Act of 1964 provides Protection to Petitioner based upon His national origin.

6. Pro se plaintiff litigant rules

A. Pro se complaints are to be construed more liberally than complaints drafted by trained attorneys. Pro se complaints must be construed liberally. and all possible inferences must be drawn in favor of the pro se plaintiff (*Haines vs Kerner*, 404 U.S. 519, 520 (1972)

B. Pro se complaints shall not be dismissed for

inartful pleading unless " it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief " (Id at 521 citing *Conley vs Gibson*, 355 U.S. 41,45-46 (1957)

STATEMENT OF THE CASE

In 1993 Petitioner and Family moved to Vermont and were deprived of their constitutional rights through a series and pattern of misfeasance and non-feasance by and though State of Vermont agents and local associates without regard for Petitioner's civil rights. For what reason remains yet to be known thus leading to the action taken by Pro se Plaintiff Petitioner September 11, 2000. That of which resulted in the sweeping denial of a forum for Petitioner within the State of Vermont courts due to the overwhelming, undisputed political overtone of the violations against the 1964 Civil Rights Act combined with the State of Vermont's tainted history of eugenics.

The truth and facts are that May 1997 Petitioner did remove His three young Children from public school, with justifiable cause, giving Vermont full and fair notice. Petitioner has faced the full impact documented retaliation against Him from that notice, as so stated within the record.

From that time foreword a malicious conspiracy within a hostile environment had exploded within petitioner's neighborhood. Burlington city hostage negotiators were contacted, State and Federal authorities were notified.

Petitioner was given notice by the local school district in a letter dated September 8, 1997 which stated that petitioner's three Children could not be provided " ... with assurance that safe conditions will be maintained ... " and until present time those three American Children have been ignored by Vermont and left without either forum or a remedy.

Prior to May 1997. upon numerous requests, the Vermont State Police refused to investigate a series of attacks, hate crimes and pervasive relentless harassment experienced by Petitioner and His American, Syrian Family. That nonfeasance by VSP allowed an environment of anarchy and prejudice to exist and flourish. VSP have refused numerous requests to release all reports to support this claim. A violation. VSP stopped Petitioner on public roads and questioned Him as to His race, religion and occupation. VSP accompanied Vermont Fish & Wildlife Officer Lewis. Lewis seized Petitioner's fire-arms without warrant, disregarded His Miranda rights while racial profiling Him as a Spanish indian and depriving Him of His right to bear arms, for over a year, on an anonymous phone call, who would not appear in Court. Petitioner, who was defendant wanted a trial and was denied. see: (docket # 376-8-93). These are violations of Petitioner's second & fourth amendment rights.

During the years from 1997 until His early retirement Lieutenant Pete Johnson, Commander of Derby Troop exercised verbal slanderous discrimination against Petitioner and this Family. Johnson did report to Petitioner that the crimes committed against Him were due to a land feud, in the Northeast Kingdom that Johnson condoned as reasonable and explanatory, Johnson refused to investi-

gate past or present criminal attacks against Petitioner, a deprivation of His fourteenth amendment rights.

Nonfeasance and misfeasance by and through selective prosecution by Orleans District Attorney and Third Circuit Court, who also refused to investigate attacks and hate crimes even though preliminary investigation exposed a conspiracy against Petitioner's Children that of which would have supported His claim of justifiable cause for May 1997. These reports have not been released.

The gross misuse of public funds that prosecuted the victims, who were left without equal protection of law, left having to defend themselfs on their own property then publicly for years prosecuted criminally and labeled dangerous to the public and again for years Petitioner was denied His right to bear arms.

The blatant misfeasance by Vermont Public Defender and Judges who collectively exhibited Petitioner regularly and ordered psychological examinations to deny Petitioner to participate in His own defense, noting even with a favorable evaluation Public Defender asked for and was granted a competency hearing to deny Petitioner His rights. Petitioner was acquitted at trial by jury.

Nonfeasance by Vermont Dept. of Banking, Insurance and Healthcare Commission, who ignored a legitimate Complaint, associated with evidence against a Bank notorias for it's criminal history. Also they ignored insurance fraud when reported that insurance was being traded for a series of vicious dog attacks that were hate crimes.

Misfeasance by Vermont Human Rights Commission when investigating discrimination against Plaintiff's Children in public school, while during that same investigative time period the United States Civil Rights Commission's report on Vermont public schools stated "racism is pervasive in Vermont public schools.

Nonfeasance by Vermont Dept. of Education to force compliance of the district school's responsibility. a horrendous violation.

Petitioner, who spent those next few years fighting to keep His freedom, His reputation, His property and keep His Family secure in full retreat within a whirlwind pattern of misfeasance and nonfeasance, using public funds and government.al power as so stated. Petitioner remains violated, deprived and in full retreat to segregation for safety.

Vermont's inability to dispute the truth and facts, with fair notice and full knowledge until present time remains in denial leaving Petitioner without relief from their wrong doing, without a forum or due process, while questions of law and justice remain dormant yet dominate.

REASONS FOR GRANTING THE WRIT

Certiorari should be granted to move forward in accordance with the preamble of the United States Constitution which instructs guidance towards a more perfect union that established justice for all her citizens, that to include pro se plaintiffs who more

often than not have valid concerns and unique interpretations of their own pursuit and individual rights but are more often than not, rejected and overwhelmed with oceans of technicalities, regulations and legal jargon. Again more often than not and notably in Vermont Courts result in being dismissed as was in this case with despite for the criminal implications and violations intertwined with this case warranting with merit, with truth, with facts this writ request.

Prudent examination of the undisputed truth and facts involved in this case should prompt urgent resolve, relief and granting of this writ request. One fact being that no forum existed for the Petitioner claim therefore injustice weighs a heavy burden on the Pro se Plaintiff Petitioner.

This High Honorable Court when pondering the enormous responsibility entrusted to the State of Vermont by and through the fourteenth amendment to each citizen, guided by the preamble of the United States Constitution which saw fit to provide that needed insight and foresight wherewith the High Court shall hold example in this case due to the magnitude and complexities of the civil and criminal violations intertwined with this case and the relevant cases which are pending, that speak for themselfs with truth and facts that do contain within merit for this request of writ.

It is now this High Court's place to set the standards for pro se plaintiff litigants who can prove a set of facts that would entitle him to relief whereat in most cases pro se plaintiff litigants seek and rely upon the expertise of the justices themselfs rather than turn to a jury of their peers because of obvious technical dis-

advantages. These standards must be clearly defined as we enter into this new age that lifts equality and individuality into the forefront. We must enter lawfully with the preamble of the United States Constitution as our guided path.

LEGAL DISCUSSION

The Civil Rights Act of 1964 provides and secures rights to Petitioner based upon His national origin wherefore discrimination dominates the blatant misfeasance and the nonfeasance of Vermont agents and their associates by and through a history sewn through endocrined eugenics which resulted in the conclusion and strong wording contained in the United States Civil Rights Commission's report on Vermont public schools which does state " racism has permeated the very fabric of Vermont ". The report went so far as to claim " anyone who attended public school in Vermont could be a racist " therefore it is reasonable to conclude in this case racism as the basis of Vermont misfeasance and their nonfeasance that Petitioner experienced as a pattern from 1993 till present.

That pattern of discrimination experienced by Petitioner by and through the fabric sewn through Vermont did without doubt deprive Petitioner of life and liberty and equal protection of the law. SEE: (DJ 144-78-0 (1997); docket # 2:00-CV-319 (9/11/2000); docket # 123-5-00 Oscv (5/24/2000).)

The Petitioner giving fair and full notice prior to September 11, 2000 to Vermont to provide and com-

ply with their fourteenth amendment responsibilities replied with the same discriminatory pattern further depriving Petitioner of life, liberty and equal services and protection of law combined with deprivation of due process of law and fair play expedited through defimation of character. SEE: (docket # 608-9-97 Oscv (9/9/97); docket # 931-12-97 Oscv (12/30/97); civil # 1:00 CV 434 (1/30/01) complaint # 01-00-1120 (5/1/2000).

The right of persons to be secure in their homes and property is deprived when fear of police nonfeasance and or misfeasance exists, compiled with deprivation of Petitioner's right to keep and bear arms during that conspiracy He discovered against Him is unconstitutional in part and in whole.

The Vermont Court failed in construing the pro se plaintiff complaint liberally when dismissing the statement of explanation which did contain a set of facts that could be proven that entitled petitioner to relief. A set of facts that was not, has not and can not be disputed as truth, as fact, as occurances. Those of which the Vermont Court deprived Petitioner of due process and a forum in which to state His complaint. The fundamental requirement of due process is an opportunity to be heard. It is necessary that the inerorable safeguard of a fair and open hearing be maintained in its integrity. The right of such a hearing is one of the rudiments of fair play assured to every litigant by the fourteenth amendment. SEE: (docket # 206-8-00 Oscv (8/7/2000); OR incorrect # 208-8-00 Oscv; docket # 165-6-00 Oscv (6/29/2000); docket # 345-12-00 Oscv (12/2000); docket # 344-12-00 Oscv (12/2000); civil # 1:00 CV 434 (1/30/01).

The original opinion and judgement order issued

Sunday February 11, 2000 which granted Vermont's motion to dismiss based upon rejection of the statement of explanation as not a short plain statement denigrates the rudiment of fair play and deprived due process and liberal construte. The original complaint was a short plain statement that was labled vague. The violations that were committed against Petitioner were not simple or ordinary. The events were not quick nor the occurances obvious. The violations were lengthy and grotesque but indeed valid and worthy of compliance and enforcement.

The Vermont Court failed in this case in separating itself from the State of Vermont and choose to remain moot when faced with the portrait sewn in the fabric of their own pattern, thus shifting and passing the burden and responsibility to this High Honorable Court leaving the Petitioner without either a forum or a remedy.

CONCLUSION

In conclusion Petitioner has experienced in full, the effects of endocrined eugenics embedded in Vermont, fully reported and documented throughout. That of which genocides human rights, annihilates the fourteenth amendment provisions and responsibilities and dissolves civil rights. Pro se Plaintiff Petitioner humbly beseech this Honorable Court for relief from. A writ of certiorari, to issue on the Vermont Superior Court, Orleans County to review the opinion and judgement order issued Sunday February 11, 2000.

Dated: December 1, 2001

Respectfully submitted,

Ghassan J. Maarawi
(pro se)

APPENDIX 1

SUPERIOR COURT OF VERMONT
COUNTY OF ORLEANS

ENTRY REGARDING MOTION

237-9-00 Oscv

MAARAWI v. STATE OF VERMONT
(Norman)
Title: Motion for More Definite Statement, No.l
Filed on: October 4, 2000
Filed by: Norman, Cathy Nelligan Assistant Attorney General, Attorney for: Defendant State of Vermont

Response: NONE

GRANTED: Compliance by December 6th, 2000 at 4:30

..... Plaintiff is ordered to file by December 6th, a short and plain statement explaining how, when and by whom his civil or constitutional rights were violated. If such a statement is not filed by the deadline, Plaintiff's case may be dismissed.

W H Van Benthuysen 11-6-00 date
JUDGE

Date copies sent to: 11/8/00 Clerk's Initials
AP

SUPERIOR COURT OF VERMONT
COUNTY OF ORLEANS

ENTRY REGARDING MOTION

237-9-00 Oscv

MAARAWI v. STATE OF VERMONT
(Norman)

Title: Motion to Dismiss, No. 2
filed on: December 12, 2000
filed by: Norman, Cathy Nelligan Assistant Attorney General, Attorney for: Defendant State of Vermont

Response: NONE

GRANTED Defendant to submit final Judgement for dismissal, without prejudice.

Other Plaintiff did not file a " short and plain statement " of his claims against the State of Vermont, as required by rule 8 (0), and Court entry order of 11/6/00. Instead, Plaintiff's complaint and subsequent " statement of explanation " are unduly prolix, verbose and essentially unintelligible. see *Sullivan v Homs*, no. 2:96-cv-325 (U.S.D.C., 4/3/97) at 5. taken together they do not " give fair notice of the claim(s) and the grounds upon which (they) rest ..." *Mancini v Mancini*, (36 Vt. 231,234 (1978).

Dennis R. Pearson 2/11/01 date
JUDGE

Date copies sent to: 2/16/01 Clerk's Initials
AP

SUPERIOR COURT OF VERMONT
COUNTY OF ORLEANS

ENTRY REGARDING MOTION

237-9-00 Oscv

MAARAWI v. STATE OF VERMONT
(Norman)

Title: Motion in opposition to Motion for Protective 0, No, 4
filed on: January 2, 2001
filed by: Norman, Cathy Nelligan Assistant Attorney General, Attorney for: Defendant State of Vermont

Response: NONE

DENIED

Other: This Memorandum in opposition to Plaintiff's Motion for protective Order, appears to have been incorrectly titled as a " Motion ". It has been rendered by the Court with respect to the Plaintiff's Motion.

Dennis R. Pearson
JUDGE

2/11/01 date

Date copies sent to: 2/16/01 Clerk's Initials
AP

SUPERIOR COURT OF VERMONT
COUNTY OF ORLEANS

ENTRY REGARDING REQUEST

237-9-00 Oscv

MAARAWI v. STATE OF VERMONT

Response: NONE

DENIED

Other: No discovery has been sought from or inidated against Plaintiff in this action accordingly, Rule 26(c), V.R.Civ. P., is not applicable.

Dennis R. Pearson
JUDGE

2/11/01 date

Date copies sent to: 2/16/01 Clerk's Initials
AP

Note: Decisions of a three-justice panel are not to be considered as precedent before any tribunal.

ENTRY ORDER

SUPREME COURT DOCKET NO. 2001-124

JULY TERM, 2001

Ghassan J. Maarawi

v.

State of Vermont

APPEALED FROM:

Orleans Superior Court

DOCKET NO. 237-9-00 Oscv

Trial Judge: Dennis R. Pearson

In the above-entitled cause, the Clerk will enter:

Plaintiff Ghassan Maarawi appeals from a superior court order dismissing without prejudice, for failure to comply with V.R.C.P. 8, his complaint against the State. The court had previously granted Maarawi leave to amend his initial complaint. Maarawi argues in essence that his complaint and subsequent amended complaint sufficiently complied with Rule 8's requirements that claims for relief be short, plain, simple and concise, and therefore the dismissal was erroneous. We affirm.

Ghassan Maarawi filed a two-page pro se complaint against the State of Vermont on September 11, 2000 in which he claimed the State had engaged in a

variety of misconduct, including discrimination, racial profiling, violation of the public trust, and gross misuse of public funds in violation of his constitutional rights. Attached to the complaint was a five-page chronology of events describing various interactions Maarawi had with police, his children's school district, the public defender's office, the Human Rights Commission, social services, the Lyndonville Bank and Trust Company, his neighbors and the Orleans District Court. In response, the State filed a V.R.C.P. 12(e) motion seeking a more definite statement of Maarawi's claims. The court granted the motion and ordered Maarawi to submit a short and plain statement of how his constitutional rights were violated, when the violations occurred, and what individuals were responsible for the violations. The order also indicated that a failure to comply could result in dismissal. Maarawi then submitted a seventeen-page narrative document in response to the court's order. The State filed a motion to dismiss with prejudice for failure to comply with the pleading requirements found in V.R.C.P. 8. The court granted the motion to dismiss, but the court's order provided that the dismissal was without prejudice. Maarawi filed a notice of appeal. The trial court, however treated a portion of the filing as a motion to reconsider, which it denied, letting stand its dismissal without prejudice.

The threshold question is whether the trial court's order dismissing Maarawi's claims without prejudice is a final, appealable judgment. At least one federal court confronted with the question has held that notwithstanding the "without prejudice" nature of a dismissal based on a party's pleadings, unless an order explicitly grants leave to amend, it constitutes an appealable judgement because it is a complete disposition of the matter. *Elfenbein v. Gulf & Western*

Indus.,590F.2d 445, 448-49(2d Cir. 1978); see also *De Tie v. Orange County*,152F.3d 1109,] 1111 (9th Cir. 1998) (in appeal from dismissal without prejudice based on failure to timely serve defendant, court stated "the dismissal of an action, even when it is without prejudice, is a final order"). Because the trial court had already granted Maarawi leave to amend, and its order dismissing Maarawi's claims after his amended complaint did not grant a second leave to amend, we consider the court's order a final, appealable decision despite the "without prejudice" qualifications. See *Acevedo-Villalobos v Hernandez* 22 F.3d 384, 388-89 (lst Cir. 1994) (adopting Second Circuit rule that order granting Rule 12(b) (6) motion to dismiss "complaint"' as opposed to order dismissing entire "action," is nevertheless a final, appealable judgment unless the order expressly grants leave to amend the complaint); *Quartana v. Utterback*, 789F.2d 127,1299-00 (8th Cir.1986)(same); but see *Elfenbein*, 590F.2d at449 (noting that, although dismissal without prejudice is a final order that may be appealed, it does not have res judicata effect barring subsequent suit).

We turn to the merits of Maarawi's argument that the court erroneously dismissed his complaint for failure to comply with V.R.C.P. 8. Such decisions are reviewed for an abuse of discretion. See, e.g., *Kuehl v. F.D.I.C.*, 8 F.3d905,909 (lst Cir.1993); *Salahuddin v Cuomo*, 861 F.2d 40,42(2dCir.1988). The trial court's discretion is exercised in this case against a backdrop of two corollary principles: pleading of pro se litigants are held to a less stringent standard than those submitted by counsel, see, e.g., *Haines v. Kerner*, 404 U.S. 519,520(1972); *Platsky v. C.I.A.*, 953 F.2d 26,28 (2d Cir.1991); see also *Bloch v Anqneyt* 149 Vt. 29,32(1987) (noting that before dismissing pleading,

trial court should give party opportunity to respond, especially if party is pro se), and the rules of pleading are liberally construed to encourage decisions on the merits as opposed to dispositions based on "technicalities," cf. *Lillicrap v. Martin*, 156 Vt. 165, 170-71(1991) (noting that trial courts are to be liberal in allowing amendments to pleadings under V.R.C.P. 15(a) to maximize the opportunity for deciding a claim on the merits versus a "procedural technicality").

Viewed in light of these principles, we cannot find that the trial court abused its discretion. The court afforded Maarawi ample opportunity to amend his complaint to bring it into compliance with Rule 8 prior to its dismissal. See *Salahuddin*, 861F. 2d at 42 (noting that plaintiff ordinarily should be given leave to amend complaint prior to dismissal for failure to comply with Fed. R. Civ. P.8). Maarawi's amended complaint was *more* prolix than his initial complaint, however. Cf. *Kuehl*, 8F. 3d at 906 (noting that in response to trial court's order to file an amended complaint that conformed to Fed. R. Civ. P. 8(a), plaintiff filed a complaint that was longer than their original complaint and added two more defendants). Furthermore, the complaint continued to fail to state with specificity which of Maarawi's constitutional rights were violated, what specific incidents constituted violations of his rights, and which individuals were responsible for violations of Maarawi's constitutional rights. Cf. *Sparqo v. Governor's Comm'n on the Admin. of Justice,* 135 Vt. 333,334 (1977) (affirming dismissal of nineteen-page complaint against defendant that did not comply with Rule 8(a),noting that it was substantially a "jumble of unrelated facts"). The test for compliance with Rule 8 is whether a complaint provides fair notice of the plaintiff's claims and

the grounds upon which they rest. *Limoqe v. People's Trust Co.* 168 Vt.265,274 (1998). Having correctly determined that neither Maarawi's initial complaint, nor his amended complaint met this test, the court acted within its discretion in dismissing the complaint.

Affirmed.

BY THE COURT:

John A. Dooley, Associate Justice

James L. Morse, Associate Justice

Marilyn S. Skoglund, Associate Justice

VT SUPREME COURT
FILED IN CLERK'S
OFFICE

JUL 20 2001

SUPREME COURT DOCKET NO. 2001-124

Ghassan J. Maarawi

v.

State of Vermont

APPEALED FROM
Orleans Superior Court

DOCKET NO.
237-9-00 Oscv

In the above-entitled cause, the Clerk will enter:

Plaintiff's request for reconsideration of the entry order issued by the Court on July 20, 2001, fails to identify any points of law or fact overlooked or misapprehended by the Court. Accordingly, the motion is denied. See V.R.A.P. 40. The "request to negotiate a settlement," filed with the Court in connection with this matter on August 20, 2001, fails to identify any basis for the Court to act, and is moot. Accordingly, the motion is denied.

FOR THE COURT:

John A. Dooley, Associate Justice

James L. Morse, Associate Justice

Marilyn S. Skoglund, Associate Justice

VERMONT SUPREME COURT
FILED IN THE CLERK'S OFFICE

SEP. 10, 2001